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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 JOHN LAW, No. C-07-00134 WHA (JCS)
9 Plaintiff(s),
10 v.
11 LARRY HARVEY, ET AL.,
12 Defendant(s).

**NOTICE OF SETTLEMENT
CONFERENCE AND SETTLEMENT
CONFERENCE ORDER**

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14 | TO ALL PARTIES AND COUNSEL OF RECORD:

15 The above matter was referred to Magistrate Judge Joseph C. Spero for settlement purposes
16 after the recusal of Chief Magistrate Judge James Larson.

17 You are hereby notified that a Settlement Conference is scheduled before the undersigned for
18 **November 19, 2007, at 9:30 a.m.**, in Courtroom A, 15th Floor, Federal Building, 450 Golden Gate
19 Avenue, San Francisco, California.

20 It is the responsibility of counsel to ensure that whatever discovery is needed for all sides to
21 evaluate the case for settlement purposes is completed by the date of the Settlement Conference.
22 Counsel shall cooperate in providing discovery informally and expeditiously.

23 Lead trial counsel shall appear at the Settlement Conference with the parties who have *full*
24 *and unlimited* settlement authority. Any party who is not a natural person shall be represented by
25 the person(s) with unlimited authority to negotiate a settlement. A person who needs to call another
26 person not present before agreeing to any settlement does not have full authority. If a party is a
27 governmental entity, its governing body shall designate one of its members or a senior executive to
28 appear at the Settlement Conference with authority to participate in the Settlement Conference and,

1 if a tentative settlement agreement is reached, to recommend the agreement to the governmental
2 entity for its approval. An insured party shall appear with a representative of the carrier with full
3 authority to negotiate up to the limits of coverage. Personal attendance of a party representative will
4 rarely be excused by the Court, and then only upon separate written application demonstrating
5 substantial hardship served on opposing counsel and lodged as early as the basis for the hardship is
6 known.

7 The undersigned is in receipt of the Settlement Conference Statements submitted to Chief
8 Magistrate Judge James Larson. This Court does not require that the Statements be served on
9 opposing counsel, but encourages counsel to exchange Settlement Conference Statements. If
10 Settlement Conference Statements are exchanged, any party may submit an additional confidential
11 settlement letter to the Court not to exceed three (3) pages. The contents of this confidential
12 settlement letter will not be disclosed to the other parties.

13 It is not unusual for the conference to last three (3) or more hours. The parties are
14 encouraged to participate and frankly discuss their case. Statements they make during the
15 conference will not be admissible at trial in the event the case does not settle. The parties should be
16 prepared to discuss such issues as:

- 17 1. Their settlement objectives.
- 18 2. Any impediments to settlement they perceive.
- 19 3. Whether they have enough information to discuss settlement. If not, what additional
20 information is needed?
- 21 4. The possibility of a creative resolution of the dispute.

22 The parties shall notify Chambers immediately at (415) 522-3691 if this case settles prior to
23 the date set for Settlement Conference. Counsel shall provide a copy of this order to each party who
24 will participate in the conference.

25 IT IS SO ORDERED.

26 Dated: November 5, 2007


27 JOSEPH C. SPERO
28 United States Magistrate Judge